

Remarks

The Election of Species Restriction Requirement that was mailed on October 5, 2005, has been received and reviewed. Claims 1-44 are pending and subject to a restriction requirement. No claims are amended herein. Four inventions were identified:

Group I: Claims 1-4, 12-21 and 26-27, drawn to a method of obtaining homologous recombination in somatic stem or progenitor cells comprising the steps of inserting a nucleic acid encoding a gene of interest into the somatic stem or progenitor cells in culture, classified in class 435, subclass 463.

Group II: Claims 5-11, 24-25, 28-30 and 40-44, drawn to a method of introducing homologously recombined somatic stem or progenitor cells to a subject or a method of gene therapy comprising administering to a subject a homologously recombined somatic stem or progenitor cell, classified in class 424, subclass 93.2.

Group III: Claims 22-23, drawn to a method of identifying a promoter in the nucleic acid and modifying the promoter to alter the expression of a product encoded by the at least one gene of interest in a cultured homologously recombined stem or progenitor cell, classified in class 435, subclass 455.

Group IV: Claims 31-38 are drawn to a homologously recombined stem or progenitor cell encoding a gene of interest capable of expressing a selected product, classified in class 435, subclass 325.

Applicants elect the claims of Group I (claims 1-4, 12-21 and 26-27) without traverse.

The claims of Group I were further subject to the following species election:

1. A single named somatic stem or progenitor cell or a specific mixture thereof recited in the Markush group of claim 13.

Claims 1 and 13 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the glial progenitor cells species.

2. A specifically named region of homology recited in the Markush group of claim 17.

Claims 1 and 15-17 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the RNAPolIII locus species.

3. A specifically named method or a specific combination thereof recited in the Markush group of claim 19.

Claims 1 and 19 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the lipofection species.

4. A specifically named growth factor recited in the Markush group of claim 27.

Claims 1 and 26-27 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the platelet derived growth factor species.

Conclusion

If questions exist after consideration of the foregoing, the Office is kindly requested to contact applicants' representative at the address or telephone number below.

Respectfully submitted,



Krista Weber Powell
Registration No. 47,867
Attorney for Applicants
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: November 4, 2005
KWP/lmh
Document in ProLaw